

***TO BE FILED UNDER SEAL***

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**T-NETIX, INC.,**

**Plaintiff/Counter-Defendant,**

**V.**

**VALUE-ADDED  
COMMUNICATIONS, INC.**

**Defendant/Counter-Plaintiff,**

**V.**

**SECURUS TECHNOLOGIES, INC.**

**Counter-Defendant.**

~~~~~

**Case No. 3:05-CV-0654-D (BK)**  
**Referred to the U.S. Magistrate**  
**Judge**  
**ECF**

**T-NETIX'S AND SECURUS' UNOPPOSED SUBMISSION OF EVIDENCE  
FOR INCLUSION IN THE COURT'S RECORD OF THE FEBRUARY 25, 2013  
HEARING ON VAC'S APPLICATION FOR ORDER TO SHOW CAUSE**

Respondents T-NETIX, Inc. (“T-NETIX”), Securus Technologies, Inc. (“Securus”), Richard A. Smith (“Smith”), and Dennis J. Reinhold (“Reinhold”) (collectively, the “Securus Respondents”) hereby submit the additional evidence noted below for inclusion in the Court’s record of the February 25, 2013 hearing on VAC’s Application for Order to Show Cause and respectfully request as follow:

The Securus Respondents submit the attached redacted Settlement Agreement and Mutual Release and move for admission of the Settlement Agreement and Mutual Release as TN Exh. 19 to be included as part of the Court's record of the February 25, 2013 hearing on VAC's Application for Order to Show Cause. Counsel for the Securus Respondents conferred with

counsel for VAC and counsel for Gruber Hurst regarding admission of the redacted Settlement Agreement and Mutual Release. Neither VAC or Gruber Hurst object to admission of the redacted Settlement Agreement and Mutual Release as evidence in the proceedings conducted on February 25, 2013.

Respectfully submitted,

**BELL NUNNALLY & MARTIN LLP**

By: /s/ Jeffrey S. Lowenstein

Jeffrey S. Lowenstein  
Texas Bar No. 24007574  
Gwen I. Walraven  
Texas Bar No. 24047065

3232 McKinney Avenue, Suite 1400  
Dallas, Texas 75204-2429  
(214) 740-1400 – Telephone  
(214) 740-1499 – Facsimile

**THE PITTMAN LAW FIRM, P.C.**

Aubrey “Nick” Pittman  
Texas Bar No. 16049750

100 Crescent Court, Suite 700  
Dallas, Texas 75201-2112  
(214) 459-3454 – Telephone  
(214) 853-5912 – Facsimile

**ATTORNEYS FOR T-NETIX, INC.,  
SECURUS TECHNOLOGIES, INC.,  
RICHARD A. SMITH, AND  
DENNIS J. REINHOLD**

**CERTIFICATE OF SERVICE**

On this 8<sup>th</sup> day of March, 2013, I caused the foregoing document to be electronically filed with the Clerk of the Court for the Northern District of Texas, Dallas Division, using the case filing system of the Court.

I hereby certify that I have served all counsel of record electronically or by another manner by FED. R. CIV. P. 5(b)(2).

/s/ Gwen I. Walraven  
Gwen I. Walraven

1197448\_1.DOCX

**CAUSE NO. 03-11399-B**

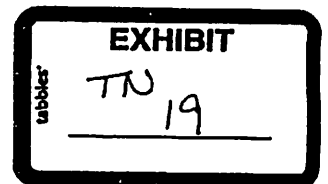
|                                      |   |                          |
|--------------------------------------|---|--------------------------|
| VALUE-ADDED COMMUNICATIONS,<br>INC., | § | IN THE DISTRICT COURT OF |
|                                      | § |                          |
|                                      | § |                          |
| PLAINTIFF/COUNTER-<br>DEFENDANT,     | § |                          |
|                                      | § |                          |
| V.                                   | § | DALLAS COUNTY, TEXAS     |
|                                      | § |                          |
| T-NETIX, INC.,                       | § |                          |
|                                      | § |                          |
| DEFENDANT/COUNTER-<br>PLAINTIFF.     | § | 68TH JUDICIAL DISTRICT   |

**CAUSE NO. 08-06254**

|                                      |   |                          |
|--------------------------------------|---|--------------------------|
| VALUE-ADDED COMMUNICATIONS,<br>INC., | § | IN THE DISTRICT COURT OF |
|                                      | § |                          |
|                                      | § |                          |
| PLAINTIFF/COUNTER-<br>DEFENDANT,     | § |                          |
|                                      | § |                          |
| V.                                   | § | DALLAS COUNTY, TEXAS     |
|                                      | § |                          |
| T-NETIX, INC.,                       | § |                          |
|                                      | § |                          |
| DEFENDANT/COUNTER-<br>PLAINTIFF.     | § | 68TH JUDICIAL DISTRICT   |

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

|                                                 |   |
|-------------------------------------------------|---|
| T-NETIX, INC. AND SECURUS<br>TECHNOLOGIES, INC. | § |
|                                                 | § |
|                                                 | § |
| PLAINTIFFS/COUNTER-<br>DEFENDANTS,              | § |
|                                                 | § |





obligations under the royalty, audit, survival, and improvements and additions provisions of the 1996 License Agreement; a declaration that it had not breached the 1996 License Agreement; a declaration that it had always fully complied with the 1996 License Agreement; a declaration that the 1996 License Agreement remains in full force and effect; and a claim for reformation of the grant and confidentiality provisions of the 1996 License Agreement. VAC also alleged breach of contract claims against T-NETIX for its alleged wrongful terminations of the 1996 License Agreement and for breach of the improvements and addition provision of the 1996 License Agreement for T-NETIX's failure to license VAC to alleged improvements or additions made by T-NETIX to the Licensed Patents under the 1996 License Agreement. VAC requested damages for the breach of contract claims, asserted claims for off-set, specific performance by T-NETIX, and recovery of its attorneys' fees and costs. T-NETIX further sent notice of breach and termination letters to VAC and filed certain claims in the State Lawsuit for declaratory judgment actions of the meaning of the 1996 License Agreement; reformation of the royalty and audit provisions of the 1996 License Agreement; alleged that VAC failed to pay certain monies due under the prior patent license agreement entered into between VAC and Intellicall, Inc. and Gateway Technologies, Inc. on or about September 1993; alleged that VAC breached the 1996 License Agreement for failure to pay royalties and past due interest and failure to provide royalty reports; alleged that VAC breached the 1996 License Agreement for failure to assign to T-NETIX VAC's U.S. patent no. 7,333,798, VAC's pending patent applications serial nos. 10,893,575, 11,371,641, 12,002,507, 10,832,987, 10,851,675, 10,996,795, 11,045,589, 11,045,590, VAC's V-Connect software, products and technology, VAC's Account Recharge IVR technology, VAC's Account Set-Up IVR technology, VAC's System 100 and Focus 100 call processing platforms, software, products, and technology, and other alleged technology, inventions, trade secrets, and intellectual property developed by VAC that were claimed to be improvements or additions to the T-NETIX patents under Section 5.1 of the 1996 License Agreement; and alleged that VAC breached the 1996 License Agreement for failure to properly mark VAC's products, failure to comply with the audit and books and records provisions of the 1996 License Agreement, and failure to comply with the post-termination and survival obligations of the 1996 License Agreement. T-NETIX further asserted claims against VAC and Stephen Hodge, Kermit Heaton, David Woody, and Jerry Gibson and other VAC employees (the "VAC Individual Defendants"), officers, directors, and other alleged sub-contractors who had participated in developing VAC's inventions and intellectual property for conversion, constructive trust, tortious interference with contract, and specific performance of contract. T-NETIX requested general, actual, and special damages, including royalties, interest on royalties, lost profits, lost cost savings, lost revenue enhancements, benefit of the bargain damages, incidental, consequential, and post-termination damages, attorneys' fees and costs, a declaration that the 1996 License Agreement was properly terminated, specific performance by VAC and its employees, and other equitable remedies. All among other assertions filed by the parties in the case.

3. On April 4, 2005, T-NETIX filed a federal lawsuit against VAC in a case styled *T-NETIX, Inc. and SECURUS Technologies, Inc. v. Value-Added Communications, Inc.*, Civil Action No. 3:05-CV-0654-D, pending in the United States District Court for the Northern District of Texas, Dallas Division (the "Federal Lawsuit"). T-NETIX asserted claims of patent infringement against VAC, alleging that VAC infringed certain United States patents owned by T-NETIX—U.S. patent no. 5,319,702 (the "Kitchin Patent"), and U.S. patent nos. 5,655,013, 6,560,323, and 6,920,209 (the "Gainsboro Patents"). T-NETIX alleged damages, attorneys' fees and costs, and requested an injunction to prevent VAC from using the Kitchin Patent and Gainsboro Patents. VAC denied that its products infringe the Kitchin and Gainsboro Patents and asserted counterclaims against T-NETIX requesting a declaratory judgment that none of its products infringe the Kitchin and Gainsboro Patents and that the Kitchin and Gainsboro Patents are invalid.
4. On December 28, 2007, VAC filed a motion entitled, "Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions, and Injunctive Relief" (the "Sanctions Motion")

6. No statement set forth above is intended to be or should be construed as an acknowledgement or representation by either party of any assertion, claim, or position made or taken in the Litigation or the Eastern District of Texas Lawsuit.
7. T-NETIX, EVERCOM, SECURUS Technologies, Inc., and VAC have pursued discussions concerning the possible resolution of the claims involved in the Litigation, and to avoid further incurring the risks, mutual inconvenience and expenses of the Litigation and, as a result of such discussions, have reached mutually agreeable terms for the resolution of all such claims arising out of the Litigation as fully set forth in this Settlement Agreement and the Patent License Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all parties to this Settlement Agreement, it is hereby agreed as follows:

## **II. AGREEMENTS**





6. **Dismissal of Litigation.** Upon execution of the License Agreement, the parties will dismiss, with prejudice, their claims against each other in the Litigation and against the VAC Individual Defendants, with all costs and attorneys' fees to be taxed against each party incurring same. In addition, T-NETIX and SECURUS will dismiss, without prejudice, their claims against FSH Communications LLC ("FSH"), to the extent any such claim is based upon or results from FSH utilizing any VAC products or equipment, with all costs and attorneys' fees to be taxed against each party incurring same. The mutually agreed upon terms of the dismissal documents are attached hereto as Exhibit "B". The parties further agree to file a joint motion to withdraw and expunge the Sanctions Motion (and the Magistrates recommendation in relation thereto). The mutually agreed upon terms of such motion to withdraw and expunge are attached hereto as Exhibit "C".

11. **Understanding of Agreement.** The parties represent that they have read this Settlement Agreement prior to its execution and have discussed it with their respective counsel and fully understand it. The parties also represent that no party has made any representation, other than as expressly set forth herein or in the License Agreement, regarding this Settlement Agreement. The parties also understand that full compliance with the License Agreement will result in a full, final and complete release of all of their claims or potential claims against one another.
12. **No Admissions.** The parties to this Settlement Agreement acknowledge that this Settlement Agreement is entered into for the purpose of settling vigorously contested claims and to avoid the expense and inconvenience of further litigation over these disputed claims. No agreement, statement, representation, and/or warranty contained in this Settlement Agreement is intended to be or should be construed as an admission of fault or liability by any party.
13. **Entire Agreement Between the Parties.** The parties hereto agree that this Settlement Agreement, the License Agreement, and the attached exhibits contain the entire agreement between the parties and supersede any and all prior agreements, arrangements or understandings between the parties relating to the subject matter hereof. No oral understandings, statements or promises contrary to the terms of this Settlement Agreement or License Agreement exist. This Settlement Agreement may be amended, supplemented, or modified only by written instrument signed by the parties.
14. **Construction.** This Settlement Agreement shall be construed without regard to which party drafted it, and it shall be interpreted as if all parties participated equally in drafting the Settlement Agreement.

16. **Governing Law.** This Settlement Agreement shall be governed by and construed in accordance with the laws of the State of Texas. This Agreement is made and is to be performed in the City of Dallas, Dallas County, Texas, and the courts of Dallas County, Texas shall have sole and exclusive venue and jurisdiction over any disputes concerning this Settlement Agreement.



**T-NETIX, INC.  
SECURUS TECHNOLOGIES, INC.  
EVERCOM SYSTEMS, INC.**

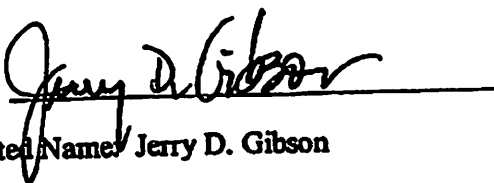
By: 

Printed Name: Richard A. Smith

Title: CEO and President

Date: August 1, 2008

**VALUE-ADDED COMMUNICATIONS, INC.**

By: 

Printed Name: Jerry D. Gibson

Title: Chairman and CEO

Date: August 1, 2008

**EXHIBIT A  
REMOVED**

**FIRST  
EXHIBIT B  
REMOVED**



**EXHIBIT "B"**  
**DISMISSAL DOCUMENTS**



**(1) . . . T-NETIX's Emergency Motion to Modify Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 117);**

**(2) Appendix 1 - 26 to Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations and Brief in Support (Docket No. 118);**

**(3) Order of Reference to Judge Sanderson Referring Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 120);**

**(4) Motion to Seal Document Brief in Opposition to T-NETIX Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations by Value Added Communications Inc. (Docket No. 134);**

**(5) VAC's Brief in Opposition to T-NETIX, Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

**(6) Appendix to VAC's Brief in Opposition to T-NETIX, Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

**(7) T-NETIX, Inc.'s Reply in Support of Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

**(8) Appendix to T-NETIX, Inc.'s Reply in Support of Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

**(9) Motion to File Under Seal Its Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief by Value Added Communications Inc. (Docket No. 154);**

(10) Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief by Value Added Communications Inc. (Docket No. 155);

(11) Appendix to Value-Added Communications, Inc.'s Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);

(12) Value-Added Communications, Inc.'s Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);

(13) Order and Order of Reference Referring Motion for Sanctions filed by Value Added Communications Inc to Judge Wm F Sanderson, Jr. (Docket No. 156);

(14) T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);

(15) Appendix to T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);

(16) Value-Added Communications, Inc.'s Reply in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);

(17) Minute Entry for proceedings held before Magistrate Judge Wm F Sanderson, Jr: Hearing held on 4/16/08 re Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 183);

(18) Report And Recommendations re: Motion to Enforce The Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief filed by Value Added Communications Inc. (Docket No. 184);

(19) Order denying Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 185);

(20) T-NETIX, Inc.'s Objections To Report And Recommendation Of The United States Magistrate Judge and Brief In Support (Filed Under Seal);

(21) Appendix to T-NETIX, Inc.'s Objections To Report and Recommendation of The United States Magistrate Judge and Brief In Support (Filed Under Seal);

(22) T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order and To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);

(23) Appendix to T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order And To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);

(24) VAC's Response to T-NETIX's Objections to Order Denying Emergency Motion to Modify (Filed Under Seal);

(25) VAC's Response to T-NETIX, Inc.'s Objections To Report and Recommendation of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal) ;

(26) Supplemental Appendix to Value-Added Communications' Response to T-NETIX's Objections to Report and Recommendations of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal) ;

(27) T-NETIX'S Reply Brief in Support of Objections to Report and Recommendation of the Magistrate Judge (Filed Under Seal);

(28) T-NETIX's Reply to VAC's Response to T-NETIX's Objections to Recommendation Denying Emergency Motion to Modify (Filed Under Seal); and

**(29) Supplemental Joint Appendix in Support of T-NETIX's Objections to Reports and Recommendations of the United States Magistrate Judge (Filed Under Seal).**

**PRAYER**

**The Parties request that the Court allow the parties to withdraw VAC's Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions, and Injunctive Relief (Docket No 155). and T-NETIX's Emergency Motion to Modify Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 117), and that the Court withdraw and/or expunge all related documents, including:**

- 1. Docket Nos. 117, 118, 120, 134, 154, 155, 156, 183, 184, and 185;**
- 2. T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);**
- 3. Appendix to T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);**
- 4. Value-Added Communications, Inc.'s Reply in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);**
- 5. T-NETIX, Inc.'s Objections To Report and Recommendation of The United States Magistrate Judge and Brief In Support (Filed Under Seal);**
- 6. Appendix to T-NETIX, Inc.'s Objections To Report and Recommendation of The United States Magistrate Judge and Brief In Support (Filed Under Seal);**

7. **T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order and To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);**

8. **Appendix to T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order And To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);**

9. **VAC's Response to T-NETIX's Objections to Order Denying Emergency Motion to Modify (Filed Under Seal);**

10. **VAC's Response to T-NETIX, Inc.'s Objections To Report and Recommendation of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal);**

11. **Supplemental Appendix to Value-Added Communications' Response to T-NETIX's Objections to Report and Recommendations of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal);**

12. **T-NETIX'S Reply Brief in Support of Objections to Report and Recommendation of the Magistrate Judge (Filed Under Seal);**

13. **T-NETIX's Reply to VAC's Response to T-NETIX's Objections to Recommendation Denying Emergency Motion to Modify (Filed Under Seal); and**

14. **Supplemental Joint Appendix in Support of T-NETIX's Objections to Reports and Recommendations of the United States Magistrate Judge (Filed Under Seal).**

Respectfully submitted,

**THE PITTMAN LAW FIRM, P.C.**

By: \_\_\_\_\_  
Aubrey "Nick" Pittman  
Texas Bar No. 16049750

The Pittman Law Firm  
100 Crescent Court, Suite 700  
Dallas, Texas 75201  
Telephone: (214) 459-3454  
Facsimile: (214) 853-5912

and

**BELL NUNNALLY & MARTIN LLP**

By: \_\_\_\_\_  
Jeffrey S. Lowenstein  
Texas Bar No. 24007574  
Neal J. Suit  
Texas Bar No. 24041988

3232 McKinney Avenue, Suite 1400  
Dallas, Texas 75204-2429  
Telephone: (214) 740-1400  
Facsimile: (214) 740-1499

**ATTORNEYS FOR PLAINTIFF AND  
COUNTER-DEFENDANT**

and

**JONES DAY**

By: \_\_\_\_\_  
Stephanie D. Clouston  
Texas Bar No. 24002688

2727 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100

**ATTORNEYS FOR DEFENDANT AND  
COUNTER-PLAINTIFF**





(1) **T-NETIX's Emergency Motion to Modify Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 117);**

(2) **Appendix 1 - 26 to Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations and Brief in Support (Docket No. 118);**

(3) **Order of Reference to Judge Sanderson Referring Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 120);**

(4) **Motion to Seal Document Brief in Opposition to T-NETIX Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations by Value Added Communications Inc. (Docket No. 134);**

(5) **VAC's Brief in Opposition to T-NETIX, Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

(6) **Appendix to VAC's Brief in Opposition to T-NETIX, Inc.'s Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

(7) **T-NETIX, Inc.'s Reply in Support of Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

(8) **Appendix to T-NETIX, Inc.'s Reply in Support of Emergency Motion to Modify Agreed Protective Order and to Cancel VAC's Confidentiality Designations (Filed Under Seal);**

(9) **Motion to File Under Seal Its Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief by Value Added Communications Inc. (Docket No. 154);**

**(10) Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief by Value Added Communications Inc. (Docket No. 155);**

**(11) Appendix to Value-Added Communications, Inc.'s Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);**

**(12) Value-Added Communications, Inc.'s Brief in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);**

**(13) Order and Order of Reference Referring Motion for Sanctions filed by Value Added Communications Inc to Judge Wm F Sanderson, Jr. (Docket No. 156);**

**(14) T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);**

**(15) Appendix to T-NETIX, Inc.'s Response to Value-Added Communications, Inc.'s Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief and Brief in Support (Filed Under Seal);**

**(16) Value-Added Communications, Inc.'s Reply in Support of Motion to Enforce the Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief (Filed Under Seal);**

**(17) Minute Entry for proceedings held before Magistrate Judge Wm F Sanderson, Jr: Hearing held on 4/16/08 re Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 183);**

**(18) Report And Recommendations re: Motion to Enforce The Agreed Protective Order, for Civil Contempt, Sanctions and Injunctive Relief filed by Value Added Communications Inc. (Docket No. 184);**

**ORDER GRANTING JOINT AGREED MOTION TO WITHDRAW  
MOTION FOR SANCTIONS AND MOTION TO MODIFY PROTECTIVE ORDER  
AND WITHDRAW AND EXPUNGE RELATED DOCUMENTS**

(19) Order denying Emergency Motion to Modify Agreed Protective Order and to Cancel Value-Added Communications, Inc.'s Confidentiality Designations (Docket No. 185);

(20) T-NETIX, Inc.'s Objections To Report And Recommendation Of The United States Magistrate Judge and Brief In Support (Filed Under Seal);

(21) Appendix to T-NETIX, Inc.'s Objections To Report and Recommendation of The United States Magistrate Judge and Brief In Support (Filed Under Seal);

(22) T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order and To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);

(23) Appendix to T-NETIX, Inc.'s Objections To Magistrate Judge's Order Denying Emergency Motion To Modify Agreed Protective Order And To Cancel Value-Added Communications, Inc.'s Confidentiality Designations And Brief In Support (Filed Under Seal);

(24) VAC's Response to T-NETIX's Objections to Order Denying Emergency Motion to Modify (Filed Under Seal);

(25) VAC's Response to T-NETIX, Inc.'s Objections To Report and Recommendation of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal) ;

(26) Supplemental Appendix to Value-Added Communications' Response to T-NETIX's Objections to Report and Recommendations of the Magistrate Judge Sanderson and Brief in Support (Filed Under Seal) ;

(27) T-NETIX'S Reply Brief in Support of Objections to Report and Recommendation of the Magistrate Judge (Filed Under Seal);

(28) T-NETIX's Reply to VAC's Response to T-NETIX's Objections to Recommendation Denying Emergency Motion to Modify (Filed Under Seal); and

**ORDER GRANTING JOINT AGREED MOTION TO WITHDRAW  
MOTION FOR SANCTIONS AND MOTION TO MODIFY PROTECTIVE ORDER  
AND WITHDRAW AND EXPUNGE RELATED DOCUMENTS**

**(29) Supplemental Joint Appendix in Support of T-NETIX's Objections to Reports and Recommendations of the United States Magistrate Judge (Filed Under Seal).**

**SIGNED** this the \_\_\_\_\_ day of July, 2008.

---

**JUDGE PRESIDING**

**ORDER GRANTING JOINT AGREED MOTION TO WITHDRAW  
MOTION FOR SANCTIONS AND MOTION TO MODIFY PROTECTIVE ORDER  
AND WITHDRAW AND EXPUNGE RELATED DOCUMENTS**

**AGREED AS TO FORM AND CONTENT:**

**THE PITTMAN LAW FIRM, P.C.**

By: \_\_\_\_\_  
Aubrey "Nick" Pittman  
Texas Bar No. 16049750

100 Crescent Court, Suite 700  
Dallas, Texas 75201  
Telephone: (214) 459-3454  
Facsimile: (214) 853-5912

and

**BELL NUNNALLY & MARTIN LLP**

By: \_\_\_\_\_  
Jeffrey S. Lowenstein  
Texas Bar No. 24007574  
Neal J. Suit  
Texas Bar No. 24041988

3232 McKinney Avenue, Suite 1400  
Dallas, Texas 75204-2429  
Telephone: (214) 740-1400  
Facsimile: (214) 740-1499

**ATTORNEYS FOR PLAINTIFF AND  
COUNTER-DEFENDANT**

and

**JONES DAY**

By: \_\_\_\_\_  
Stephanie D. Clouston  
Texas Bar No. 24002688

2727 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100

**ATTORNEYS FOR DEFENDANT AND  
COUNTER-PLAINTIFF**

**ORDER GRANTING JOINT AGREED MOTION TO WITHDRAW  
MOTION FOR SANCTIONS AND MOTION TO MODIFY PROTECTIVE ORDER  
AND WITHDRAW AND EXPUNGE RELATED DOCUMENTS**

**CAUSE NO. 08-06254**

|                                              |          |                               |
|----------------------------------------------|----------|-------------------------------|
| <b>VALUE-ADDED COMMUNICATIONS,<br/>INC.,</b> | <b>§</b> | <b>IN THE DISTRICT COURT</b>  |
|                                              | <b>§</b> |                               |
|                                              | <b>§</b> |                               |
| <b>Plaintiff and Counter-Defendant,</b>      | <b>§</b> |                               |
|                                              | <b>§</b> |                               |
| <b>v.</b>                                    | <b>§</b> | <b>DALLAS COUNTY, TEXAS</b>   |
|                                              | <b>§</b> |                               |
| <b>T-NETIX, INC.,</b>                        | <b>§</b> |                               |
|                                              | <b>§</b> |                               |
| <b>Defendant and Counter-Plaintiff.</b>      | <b>§</b> | <b>68th JUDICIAL DISTRICT</b> |

**JOINT AGREED MOTION TO DISMISS**

Plaintiff Value Added Communications, Inc. ("VAC") and Defendant T-NETIX, INC. ("T-NETIX") jointly move this Court to dismiss with prejudice all claims asserted or that could have been asserted between them in this action, with each party bearing its own costs of court and attorneys' fees.

WHEREFORE, VAC and T-NETIX request that this Court grant this motion and enter the Agreed Order of Dismissal with Prejudice that is attached to this motion as Exhibit A.

Respectfully submitted,

---

Stephanie D. Clouston  
Texas Bar No. 24002688  
Christopher Groves  
State Bar No. 00793862  
Sean M. Whyte  
State Bar No. 24047100

JONES DAY  
2727 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100

**ATTORNEYS FOR VALUE-ADDED  
COMMUNICATIONS, INC.**

---

Aubrey "Nick" Pittman  
Texas Bar No. 16049750

**THE PITTMAN LAW FIRM, P.C.**  
100 Crescent Court, Suite 700  
Dallas, Texas 75201  
Telephone: (214) 459-3454  
Facsimile: (214) 853-5912

and

---

Jeffrey S. Lowenstein  
Texas Bar No. 24007574  
Gwen I. Walraven  
Texas Bar No. 24047065

**BELL NUNNALLY & MARTIN LLP**  
3232 McKinney Avenue  
1400 One McKinney Plaza  
Dallas, Texas 75204-2429  
Telephone: (214) 740-1400  
Facsimile: (214) 740-1499

**ATTORNEYS FOR T-NETIX, INC.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was sent by fax on this \_\_\_\_ day of  
July, 2008, to counsel of record as follows:

Aubrey D. Pittman  
100 Crescent Court, Suite 700  
Dallas, Texas 75201

Jeffrey S. Lowenstein  
Bell Nunnally & Martin LLP  
3232 McKinney Avenue, Suite 1400  
Dallas, Texas 75204



**CAUSE NO. 08-06254**

**VALUE-ADDED COMMUNICATIONS,  
INC.,**

**PLAINTIFF,**

**V.**

**T-NETIX, INC.,**

**DEFENDANT.**

**IN THE DISTRICT COURT OF**

**DALLAS COUNTY, TEXAS**

**68TH JUDICIAL DISTRICT**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

Before the Court is the Joint Agreed Motion to Dismiss submitted by the parties. After considering and accepting the agreement of the Parties, the Court hereby **ORDERS** that all claims in this case are dismissed with prejudice, with each party bearing its own costs.

SIGNED this \_\_\_\_ day of July, 2008.

**HONORABLE MARTIN HOFFMAN**

**AGREED AS TO FORM AND SUBSTANCE:**

**JONES DAY**

By: \_\_\_\_\_

**Stephanie D. Clouston**  
**State Bar No. 24002688**  
**Christopher Groves**  
**State Bar No. 00793862**  
**Sean M. Whyte**  
**State Bar No. 24047100**

**ATTORNEYS FOR  
VALUE-ADDED COMMUNICATIONS, INC.**

**THE PITTMAN LAW FIRM, P.C.**

By: \_\_\_\_\_  
Aubrey "Nick" Pittman  
State Bar No. 16049750

and

**BELL NUNNALLY & MARTIN LLP**

By: \_\_\_\_\_  
Jeffrey S. Lowenstein  
State Bar No. 24007574  
Gwen I. Walraven  
Texas Bar No. 24047065

**ATTORNEYS FOR T-NETIX, INC.**

**CAUSE NO. 03-11399-C**

|                                              |   |                               |
|----------------------------------------------|---|-------------------------------|
| <b>VALUE-ADDED COMMUNICATIONS,<br/>INC.,</b> | § | <b>IN THE DISTRICT COURT</b>  |
|                                              | § |                               |
|                                              | § |                               |
| <b>Plaintiff and Counter-Defendant,</b>      | § |                               |
|                                              | § |                               |
| <b>v.</b>                                    | § | <b>DALLAS COUNTY, TEXAS</b>   |
|                                              | § |                               |
| <b>T-NETIX, INC.,</b>                        | § |                               |
|                                              | § |                               |
| <b>Defendant and Counter-Plaintiff.</b>      | § | <b>68th JUDICIAL DISTRICT</b> |

**JOINT AGREED MOTION TO DISMISS**

Plaintiff Value Added Communications, Inc. ("VAC") and Defendant T-NETIX, INC. ("T-NETIX") jointly move this Court to dismiss with prejudice all claims asserted or that could have been asserted between them in this action, with each party bearing its own costs of court and attorneys' fees.

WHEREFORE, VAC and T-NETIX request that this Court grant this motion and enter the Agreed Order of Dismissal with Prejudice that is attached to this motion as Exhibit A.

Respectfully submitted,

---

Stephanie D. Clouston  
Texas Bar No. 24002688  
Christopher Groves  
State Bar No. 00793862  
Sean M. Whyte  
State Bar No. 24047100

**JONES DAY**  
2727 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100

**ATTORNEYS FOR VALUE-ADDED  
COMMUNICATIONS, INC.**

---

Aubrey "Nick" Pittman  
Texas Bar No. 16049750

**THE PITTMAN LAW FIRM, P.C.**  
100 Crescent Court, Suite 700  
Dallas, Texas 75201  
Telephone: (214) 459-3454  
Facsimile: (214) 853-5912

and

---

Jeffrey S. Lowenstein  
Texas Bar No. 24007574  
Gwen I. Wahren  
Texas Bar No. 24047065

**BELL NUNNALLY & MARTIN LLP**  
3232 McKinney Avenue  
1400 One McKinney Plaza  
Dallas, Texas 75204-2429  
Telephone: (214) 740-1400  
Facsimile: (214) 740-1499

**ATTORNEYS FOR T-NETIX, INC.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was sent by fax on this \_\_\_\_ day of

July, 2008, to counsel of record as follows:

Aubrey D. Pittman  
100 Crescent Court, Suite 700  
Dallas, Texas 75201

Jeffrey S. Lowenstein  
Bell Nunnally & Martin LLP  
3232 McKinney Avenue, Suite 1400  
Dallas, Texas 75204

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**T-NETIX, INC.,**

**Plaintiff/Counter-Defendant,**

**v.**

**VALUE-ADDED  
COMMUNICATIONS, INC.,**

**Defendant/Counter-Plaintiff,**

**v.**

**SECURUS TECHNOLOGIES, INC.,**

**Counter-Defendant.**

**Case No. 3:05-cv-0654-D**

**ORDER GRANTING  
PARTIES JOINT MOTION TO DISMISS**

Before the Court for consideration is Plaintiff/Counter-Defendant T-NETIX, INC. ("T-NETIX"), Defendant/Counter-Plaintiff Value Added Communications, Inc. ("VAC"), and Counter-Defendant Securus Technologies, Inc.'s ("SECURUS") Joint Agreed Motion to Dismiss.

The Court, having considered the motion, **ORDERS** that all claims in this case are dismissed with prejudice, with each party bearing its own costs.

So **ORDERED** and **SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

**HON. SIDNEY A. FITZWATER  
UNITED STATES CHIEF  
DISTRICT JUDGE**